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Washington, D.C. 20231

Date: April 14, 2000  
File No.: 70015060.02

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s): Becki Speakman

For: MASKING APPARATUS AND METHOD

I hereby certify that this document and any being referred to as attached or enclosed is being deposited with the United States Postal Service as Express Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

4/14/00 Paula L. Simmons  
Date Paula L. Simmons

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Enclosed are:

- ☒ 12 pages of specification, 10 claims and an abstract.
- ☒ an executed oath or declaration, with power of attorney.
- ☐ an unexecuted oath or declaration, with power of attorney.
- ☒ 3 sheet(s) of informal drawing(s).
- ☐    sheet(s) of formal drawings(s).
- ☐ Assignment(s) of the invention to         .
- ☐ Assignment Form Cover Sheet.
- ☐ A check in the amount of \$     to cover the fee for recording the assignment(s) is enclosed.
- ☐ Associate power of attorney.

**Fee Calculation For Claims As Filed**

a) Basic Fee						\$	690.00
b) Independent Claims	-	3	=	0	X	\$78.00	= \$ 0.00
c) Total Claims	-	20	=	0	X	\$18.00	= \$ 0.00
d) Fee for Multiple Claims					X	\$260.00	= \$ 0.00
Total Filing Fee							\$ <u>690.00</u>

- ☒ 1 Statement(s) of Status as Small Entity, reducing Filing Fee by half to \$ 345.00
- ☒ A check in the amount of \$345.00 to cover the filing fee is enclosed.
- ☐ Other                     .
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 50-1126. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1126. Two duplicate copies of this sheet are enclosed.

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Serial or Patent No.:  
Filed or Issued:  
For:

Attorney Docket No: 70015060.01

MASKING APPARATUS AND METHOD

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
(37 CFR 1.9(f) AND 1.27(b) - INDEPENDENT INVENTOR)

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the United States Patent and Trademark Office with regard to the invention entitled:

MASKING APPARATUS AND METHOD

described in:

☒ the specification filed herewith.  
☐ Application Serial No.: \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No.: \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who would not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed, or am under an obligation under contract or under law to assign, grant, convey, or license any rights in the invention, is listed below:

☒ no such person, concern, or organization.  
☐ person, concerns, or organizations listed below.\*

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR Becki Speakman

SIGNATURE OF INVENTOR Becki Speakman

DATE 4/11/00

UNITED STATES PATENT APPLICATION FOR  
MASKING APPARATUS AND METHOD

Inventor:

Becki Speakman

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
UNDER 37 C.F.R. § 1.10

"Express Mail" mailing label number: EL4476432024S  
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I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to Box PATENT APPLICATION, Assistant Commissioner for Patents, Washington, DC 20231 and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

Paula L. Simmons  
Signature Date: 4-14-00

## MASKING APPARATUS AND METHOD

### Background of the Invention

#### 1. Field of the Invention

The present invention relates generally to stenciling apparatus and methods, and more particularly to an adhesive masking apparatus and method for creating stylized images on a working surface.

#### 2. Background Art

Stenciling or otherwise placing designs onto surfaces in a home, office or other building is very popular. For example, it is common to stencil designs such as wild animals, clouds, stars and the like onto walls in a child's room.

A variety of stenciling apparatus and methods are known. Prior art stenciling devices are, however, often complex and difficult to use. The apparatus typically comprise a hand held or adhesive sheet-like device adapted for transferring a positive image of a single design onto a working surface. Such devices are not well-suited for creating designs that cover large working surfaces such as a wall or a ceiling without constant repositioning and alignment of the device. As such, it is common to apply large designs by freehand, which is unduly burdensome and often results in a non-uniform application of the designs onto the working surface. Examples of such large designs applied by freehand are illustrated in the following periodicals: Holiday 1999 *pottery barn kids*; the

January 2000 *Better Homes and Gardens*; and the March, 2000 *Martha Stewart Baby* (special issue).

As indicated above, a number of prior art stenciling apparatus are useful for creating single designs, or for  
5 creating a multiple designs "one-at-a-time" by repositioning the apparatus. For example, U.S. Patent No. 4,550,683 discloses an apparatus that includes a three-layer adhesive sheet adapted to be secured to a work surface for placing a predetermined design thereupon. The construction includes a  
10 relatively strong contact adhesive which allows the apparatus to function as a decal or as a stencil when applied to a working surface. In operation, in order to create a design a user must remove a plurality of score lines from the apparatus to define a predetermined design to be transferred to the  
15 working surface. The patent discloses the use of a strong adhesive such that the apparatus can be used as a decal, and thus, the apparatus may be difficult to remove from the working surface and is not well adapted for repositioning therealong to transfer designs onto large surfaces.

20 Another example is disclosed in U.S. Patent No. 4,397,261. U.S. Patent No. 4,397,261 discloses a paint mask and method for masking a work surface wherein the mask is comprised of a first mask layer and a second liner layer. A face of the first layer includes strong adhesive coating with  
25 the second layer being adhesively secured thereto. A

predetermined design configuration is formed in the mask by discontinuous cuts extending through both the first and second layers. Thus, like the '683 patent, a user must remove portions of the mask to define the design to be applied to the working area. The '261 apparatus is also not well adapted for repositioning or transferring designs onto a large surface due to the use a relatively strong adhesive.

U.S. Patent No. 3,855,924 and U.S. Patent No. 2,651,871 disclose further prior art stenciling apparatus. These hand held apparatus include a surface having a plurality of cut out portions or openings forming a design. These apparatus are not adhesive backed and must be held in position during use. The apparatus are positioned immediately adjacent a working surface whereupon paint is applied to the working surface through the apparatus openings. Like other prior art devices, to repeat a design over large surfaces, the apparatus must be repositioned in alignment with the previously applied design.

#### Summary of the Invention

The above problems are solved, and a number of technical advances are achieved in the art, by implementation of the novel masking apparatus and method of the present invention.

The apparatus, which may be formed from conventional repositioning paper or the like, includes a first layer or mask, and a second layer or backing. The mask includes an outer surface and an inner surface having a low-tack adhesive

uniformly applied thereupon. The supportive backing includes an outer surface and an inner surface. The mask is fabricated to be removably affixed to the backing by positioning the mask's inner surface in face-to-face relation with the backing's outer surface.

A plurality of preselected designs are selectively fabricated on the apparatus, for example by cutting through the mask and the backing to form a positive image of the design therein.

The masking apparatus is preferably fabricated into rolls for ease of storage and convenient dispensing therefrom. In operation, a user may select an appropriate size of the masking apparatus, for example an amount sufficient to a cover a predetermined distance along a working surface such as a wall. Next, the user separates the mask from the backing. Thereafter, the mask is removably attached to the working surface such that the mask covers or blocks out at least a portion of the working surface. The user may selectively cover a small portion or a correspondingly large portion of the working surface. A transfer medium such as paint is then applied to the working surface and the mask to transfer an image of the mask onto the working surface.

The present invention overcomes many of the problems associated with the prior art. The use of precut designs allows for ease in operation. Moreover, a single design or

series of designs may be fabricated into the apparatus along the length thereof in uniform alignment. The masking apparatus may be selectively dispensed from the roll to cover both small and large working surfaces. The apparatus uses a low tack adhesive for ease in repositioning about the working surface or for removal therefrom. The apparatus uses precut designs which eliminates the need for removing scoring lines in operation. As discussed more below, the apparatus may also be used to create positive and negative images onto the working surfaces.

Other objects and advantages will become apparent from the specification together with the drawings, wherein specific embodiments of the present invention are set forth by way of example.

#### **Brief Description of the Drawings**

FIG. 1 is a fragmentary perspective view of a masking apparatus embodying the present invention showing a mask and a backing thereof, with a portion of the backing pulled away from the mask.

FIG. 2 is a perspective view of the masking apparatus of FIG. 1, showing the apparatus substantially attached to a work surface.

FIG. 3 is a broken away perspective view of an end of a roll of the masking apparatus in accordance with the present invention.



FIG. 4 is a front elevational view of the masking apparatus of FIG. 2, showing the working surface after paint has been applied thereto in accordance with the apparatus and method of the present invention.

FIG. 5 is a broken away perspective view of the apparatus of the present invention showing the mask attached to a full or continuous backing.

FIG. 6 is a broken away front elevational view of a first modified embodiment of the present invention showing the apparatus used as a template device on a piece of fabric.

#### Description of the Preferred Embodiments

Referring to FIG. 1 in greater detail, the reference number 10 refers to a masking apparatus exemplifying the present invention. The masking apparatus 10 comprises a patterned or stylized substrate, such as repositioning paper, having a first layer or mask 15 and a second layer or backing 20. The mask 15 may be constructed from most conventional types of decal or masking materials, and includes a mask outer perimeter 22, a mask outer surface 25, and a mask inner surface 30. Referring to FIG. 1, the mask inner surface 30 is illustrated by a turned back corner 26 of the mask 15, and is uniformly covered with a low-tack adhesive.

The backing 20 provides a protective liner or support for the mask 15 such that the mask 15 may be removably affixed thereto. The backing 20 includes an outer surface 35 and an

inner surface 40. The backing 20 may also be constructed from conventional masking materials. Typically, the backing 20 comprises an adhesion resistant material such that when the backing outer surface 35 is disposed in face-to-face relation with the mask inner surface 30, it will readily allow separation of the mask from the backing upon the application of an appropriate force.

A plurality of designs such as spikes 50 may be formed along the perimeter 22 of the mask 15 by kiss-cutting or die-cutting the mask and backing 15,20 or by other well-known methods. The designs may similarly be formed in any other region of the mask 15, such as within an interior portion 55, by similar well-known methods. The designs may be arranged in any of a number of manners, such as to form a design pattern comprising a plurality of designs. For example, the designs may precut and arranged such in series with other designs along a length of the mask 15, or symmetrically with respect to other designs about the mask 15. A design may also appear continuously or repeatedly throughout the mask 15. For example, waves (not shown) may be formed along upper and lower edges of the mask 15.

The designs may be formed by cutting the mask 15 prior to joining it with the backing 20, or subsequent to joining it with the backing 20. When the mask 15 is cut prior to joining it with the backing 20, the backing 20 provides additional

support and protection to the mask 15 and the designs. For example, FIG. 5 shows a design comprising an opening 70 formed within the interior portion 55 of the mask 15. A continuous backing portion 65 is visible through the opening 70. It may also be advantageous to provide the continuous backing 65 for increased strength when the apparatus 10 is fabricated into a roll 72 as discussed more below. Alternatively, as discussed above, the designs may be formed by cutting away corresponding portions of the mask 15 and the backing 20 after they have been joined together.

As shown in FIG. 3, the masking apparatus 10 is preferably packaged as rolls 72 of variable lengths and widths. FIG. 3 illustrates a broken away end 73 of the roll 72 having the spikes 50 disposed at the end 73 of the roll 72. Of course, the designs generally may be disposed in any convenient orientation respecting the roll 72. The use of rolls 72 facilitates dispensing of the apparatus 10 in variable lengths. Thus, the user may selectively provide a sufficient measure of the mask 15 to cover some or all of the working surface with a single continuous length of the mask 15.

In operation, the masking apparatus 10 is adapted to be removably secured to the working surface, such as an interior wall 80 as shown in FIGS. 2 and 4. For example, a user may measure the width of the wall 80 as shown by dimension W in

FIG. 2. The user may then provide a corresponding length of masking apparatus 10 by unrolling the roll 72 and cutting the apparatus 10 accordingly.

The user then removes the backing 20 from the mask 15 to expose the adhesive inner surface 30 of the mask 15. Next, the mask 15 is affixed to the wall 80 by disposing the mask inner surface 30 in face-to-face relation thereto. For example, FIG. 4 shows the mask 15 attached to the wall 80 along a central portion thereof and extending the entire dimension W thereof. Of course, the mask 15 need not extend the entire length of the dimension W.

Referring to FIG. 4, an interface 90 is defined between the mask 15 and the wall 80 at the junction of the outer perimeter 22 and the wall 80. After the mask 15 is attached to the wall 80, the user may apply a transfer medium such as one or more coats of paint 85 directly onto the wall 80 and the mask 15 adjacent the interface 90. As shown in FIG. 4, an image of the mask 15 is created on the wall 80 by the application of the paint 85 thereto. Of course, if the masking apparatus includes one or more designs within the interior 55, the transfer medium should also be applied thereupon to transfer an image of the design onto the working surface. After allowing a sufficient amount of drying time for the paint 85, the mask 15 may be easily removed from the wall 80 by peeling.

Referring to FIG. 4 and FIG. 5, it is readily apparent that the masking apparatus 10 may be used to create both positive and negative images on the working surface. For example, referring to FIG. 4, the user may apply paint 85 onto the mask 15 and the wall 80 in proximity to the interface 90. A negative image of the mask is thereby transferred to the wall, as shown at 95 in FIG. 4, because the mask 15 prevents the paint 85 from contacting the wall 80 beneath the mask 15. Conversely, the apparatus 10 may also be used to create positive images of the designs on the working surface. For example, referring to FIG. 5, the user may apply a transfer medium onto the opening 70 in the interior portion 55 in the same manner described above, thereby transferring a positive image of the opening 70 onto the working surface.

In an alternative embodiment, the apparatus 10 may be utilized as a template device. For example, FIG. 6 shows a triangle design 100 formed from the apparatus 10. The triangle 100 is attached to a working surface such as fabric 105 in a manner similar to that described above. A user may then trace with a marking device, such as a felt pin, around the inner and outer perimeter 110,115 of the triangle to transfer a positive image of the triangle 100 onto the fabric 105. Similarly, the user may use a cutting device such as scissors to cut around the perimeters 110,115 to produce a positive replica of the triangle from the fabric 105.

While it is believed that the method of using the masking apparatus 10 of the present invention to transfer an image of a design onto a working surface is apparent from the foregoing description, for the sake of clarity, the method will now be described. In its broadest aspect, the method in accordance with the present invention comprises four steps: providing a stylized masking apparatus; attaching the mask to a working surface to form an interface between the mask and the working surface; applying a transfer medium to the working surface in proximity to the interface to transfer an image of the mask onto the working surface; and removing the mask from the working surface.

It is foreseen that the present invention can be used in the manners described herein in connection with a variety of working surfaces, including, for example, wood, glass, fabric, metal, concrete, terra cotta, plaster, ceramics, plastics, candles, canvas, paper crafts such as cards, stationery, gift bags, envelopes.

It is also foreseen that the present invention can be used in connection with a variety of transfer mediums, including, for example, flat paint, satin paint, matte paint, semi gloss paint, hi gloss paint, interior and exterior paints, acrylic paint, Krylon® spray paints, Delta® perm enamel, Pebeo™ glass paint, fabric paints, fabric markers, fabric crayons, metal paints, outdoor paints, ceramic glazes,

ceramic markers, ceramic pens, ceramic paints, candle paint mediums, oil paints, stamp ink, markers, embossing powders, pens, pencils, chalk, scissors, razors, knives and the like.

It should be recognized that there are many options regarding how and where to place the various interfaces and the variations should not limit the spirit or intent of the present invention. It should be further recognized that any of the known technologies utilized for stenciling apparatus and methods may be incorporated within the present invention.

The foregoing description of the embodiments of the invention has been presented for purposes of illustration and description, and is not intended to be exhaustive or to limit the invention to the precise form disclosed. The description was selected to best explain the principles of the invention and practical application of these principles to enable others skilled in the art to best utilize the invention in various embodiments and modifications as are suited to the particular use contemplated. It is intended that the scope of the invention not be limited by the specification, but be defined by the claims set forth below.

## C L A I M S

What is claimed is:

1. A masking apparatus for transferring an image to a working surface, comprising:
  - (a) a mask having an outer surface and an inner surface; said inner surface having an adhesive disposed thereon;
  - (b) a backing removably affixed to said mask at said inner surface;
  - (c) a plurality of designs formed in said mask;
  - (d) said mask adapted to be removably attached to said working surface at said inner surface; and
  - (e) said apparatus selectively dispensable to continuously cover a predetermined portion of said working surface.
2. The apparatus of Claim 1 wherein said plurality of designs are formed along an outer perimeter of said mask for transferring a negative image of said mask to said working surface.
3. The apparatus of Claim 1 wherein said plurality of designs are formed within an interior portion of said mask for



transferring a positive image of said designs to said working surface.

4. The apparatus of claims 1, 2 or 3 wherein said plurality of designs repeat along at least a portion of said mask to form a design pattern.

5. The apparatus of claim 1 wherein said apparatus is fabricated into a roll.

6. A masking apparatus for transferring an image to a working surface, comprising:

- (a) a mask having an outer surface and an inner surface; said inner surface having an adhesive disposed thereon and a backing removably affixed to said mask at said inner surface;
- (b) said mask having a plurality of precut designs; said designs generally repeat along at least a portion of said mask to form a design pattern; and
- (c) said mask adapted to be removably attached to said working surface at said inner surface.

7. The apparatus of Claim 6 wherein said plurality of designs are formed along an outer perimeter of said mask for

transferring a negative image of said mask to said working surface.

8. The apparatus of Claim 6 wherein said plurality of designs are formed within an interior portion of said mask for transferring a positive image of said designs to said working surface.

9. The apparatus of claim 6 wherein said apparatus is fabricated into a roll.

10. A method to transfer an image to a working surface; said method comprising:

- (a) providing a stylized masking apparatus; said masking apparatus including a mask and a backing removably affixed to said mask; said masking apparatus including a plurality of designs formed along at least a portion of said mask;
- (b) selectively dispensing said mask to continuously cover a predetermined portion of said working surface;
- (c) attaching said mask to a working surface to form an interface between said designs and said working surface;

- (d) applying a transfer medium to the working surface in proximity to the interface to transfer a positive or a negative image of at least a portion of said mask onto said working surface.

## MASKING APPARATUS AND METHOD

### Abstract

A masking apparatus and method includes a substrate fabricated to include a mask removable affixed to a backing. A plurality of designs may be formed in the apparatus by conventional methods. The mask may be cut into variable lengths and thereafter removably attached to a working surface. A transfer medium may be applied to the mask and the working surface to transfer both positive and negative images of the mask onto the working surface.

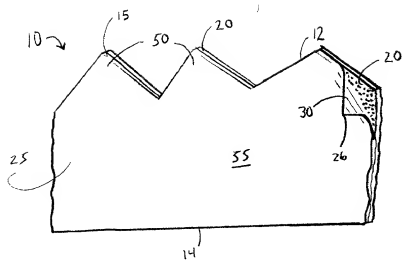


FIG. 1

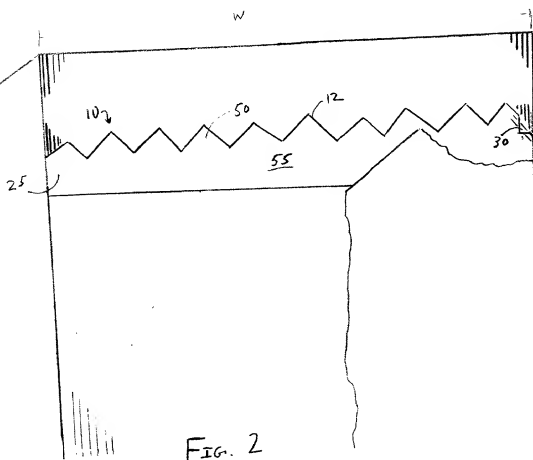


FIG. 2

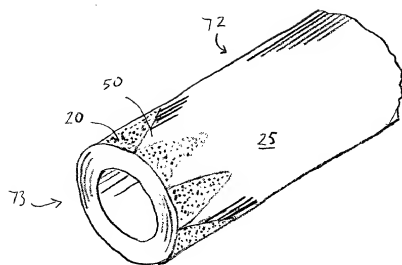


FIG. 3

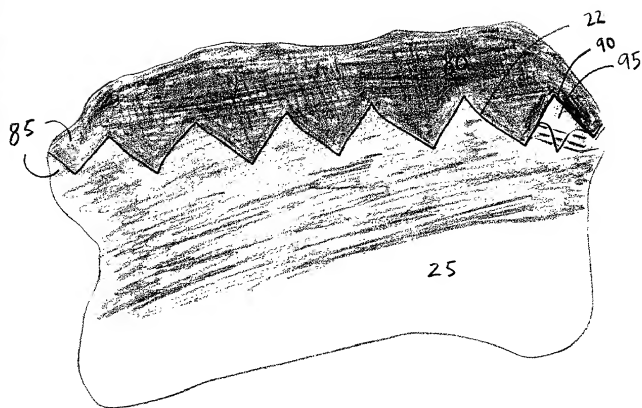


FIG. 4



## **DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare:

That my residence, post office address and citizenship are as stated below next to my name.

That I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **MASKING APPARATUS AND METHOD**

the specification of which (check one)

- ☒ is attached hereto.  
☐ was filed on: \_\_\_\_\_ as  
☐ Application Serial No.: \_\_\_\_\_  
and was amended on: \_\_\_\_\_

That I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

That I acknowledge the duty to disclose information known to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

That I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

#### **Prior Foreign Application(s)**

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

#### **Prior United States Provisional Application(s)**

That I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)



**Prior United States Application(s)**

That I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)-(Patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)-(Patented, pending, abandoned)

That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint the following attorneys, with full power of substitution and revocation, to prosecute this application and any related foreign applications and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to **Jennifer H. Hammond at SONNENSCHN, NATH & ROSENTHAL, 4520 Main Street, Suite 1100, Kansas City, MO 64111.**

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22,190  
38,956  
39,028  
41,814  
42,748  
39,777  
45,358  
42,121

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